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12 Attorneys for Defendants:
13 AM Pacific Engineering, Inc.
and MV2 Energy Inc.
14

15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 PENSION PLAN FOR PENSION TRUST
FUND FOR OPERATING ENGINEERS, et al.

18 Plaintiffs,

19 vs.

20 YUBACON, INC., INC., et al.,

21 Defendants.
22

Case No.: CV 12-4738 DMR

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE;
ORDER**

Complaint Filed: 9/11/12
CMC: April 10, 2013
Time: 1:30 p.m.
Courtroom: 4, 3rd Floor

23 Pursuant to this Court's order entered February 7, 2013 (Dkt. 27), Rule 6(b) and 26(f) of
24 the Federal Rules of Civil Procedure, Northern District of California Local Rule 6.1(b) and 16-9,
25 and the Standing Order for All Judges of the Northern District of California, Plaintiffs Pension
26 Plan for Pension Trust Fund for Operating Engineers, et al. ("Plaintiffs"), and Defendants AM
27 Pacific Engineering, Inc. and MV2 Energy, Inc. ("Defendants") by and through the undersigned
28 counsel, hereby supplement the Stipulation filed on February 6, 2013 (Dkt. 25) as follows:

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STIPULATION TO CONTINUE CMC; ORDER THEREON
Case No.: CV 12-4738 DMR

1 1. Defendants AM Pacific Engineering, Inc. and MV2 Energy, Inc. have produced
2 certain financial records to Plaintiffs. Plaintiffs have requested additional documents and
3 information from Defendants. The parties need sufficient opportunity to review and discuss the
4 additional the information and documents.

5 2. Defendants AM Pacific Engineering, Inc. and MV2 Energy, Inc. have made a
6 settlement offer; however, given the large amount of the assessed withdrawal liability of \$728,185
7 the parties requires sufficient time to explore all settlement options.

8 3. If this matter does not settle the parties are agreeable to participating in mediation
9 on one of the following dates: during the week of May 27, 2013, through May 31, 2013, or week
10 of June 3, 2013, through June 7, 2013. (Dkt. 23).

11 4. There are no issues that need to be addressed at the currently scheduled Case
12 Management Conference Wednesday April 10, 2013.

13 5. Based on the foregoing, the parties respectfully request that the Case Management
14 Conference be continued to Wednesday June 19, 2013, to allow time for the parties to exchange
15 documents and continue settlement negotiations as well as to schedule and participate in
16 mediation, if necessary. The continuance will conserve costs as well as the Court's time and
17 resources.

18 7. In a further attempt to conserve costs, counsel for both parties request permission to
19 appear telephonically at the next Case Management Conference.

20 Dated: March 22, 2013

SALTZMAN & JOHNSON LAW CORPORATION

22 By: _____//s//_____

Shaamini A. Babu

Counsel for Plaintiffs

24 Dated: March 22, 2013

SALAMIRAD MORROW P.C.

25 By: _____//s//_____

Michael Timpane

26 Defendants AM Pacific Engineering, Inc. and MV2
27 Energy Inc.

28

ORDER

IT IS SO ORDERED.

Based on the foregoing, and good cause appearing, the currently set Case Management Conference is hereby continued to Wednesday June 19, 2013, at 1:30 p.m. Counsel for both parties may appear telephonically. The parties shall file a Joint Case Management Statement by June 12, 2013. Parties must follow the protocol set forth in the attached Notice re: Telephonic Appearance Procedures for Magistrate Judge Donna M. Ryu.

Date: 3/25/2013



THE HONORABLE DONNA M. RYU
UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On March 22, 2013, I served the following document(s):

STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND CASE MANAGEMENT CONFERENCE STATEMENT; [PROPOSED] ORDER THEREON

on the interested parties to this action, in the manner described as follows, addressed as below:

XX **MAIL** by placing the envelope for collection and mailing on the date shown above following our ordinary business practices. Being readily familiar with this business's practice for collecting and processing correspondence for mailing, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed enveloped with postage fully prepaid.

Yubacon, Inc., a California corporation
Old Hatchery, Inc., a California corporation
2301 Los Cerros Drive
Placerville, CA 95667

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 22nd day of March, 2013, at San Francisco, California.

_____/s/_____
Jonathan Sha